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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,886	04/16/2001	Danilo Cattaneo	163-321	4550
47888	7590	02/24/2005	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/835,886

**Applicant(s)**

CATTANEO ET AL.

**Examiner**

Harish T Dass

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because abstract contains parenthesis. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: Claim contains parenthesis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claim 3, line 7 the phrase "economic/asset-and-liability/financial" renders the claim indefinite because, it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For purpose of examination only, Examiner assumes that the claim limitation is economic, asset-and-liability, or financial ("or").

4. Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 is rejected being indefinite and vague, The following phrases are not clearly defined in specification or in claim:

What is "each input datum"?

What is "filling-in of a mask"? How is it done?

What is "criterion of extension"?

What is "automatic liquidation" and how is done?

What is "debited VAT balance"?

"modifying in this way", it is not clear.

5. Claim 6 recites the limitation (Page 22) "filling-in" line 16, "automatic" line 20, "debited" line 20, "asset-and-liability" line 21 and "pre-set" line 22. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 rejected under 35 U.S.C. 102(e) as being anticipated by Jarett (US 6,195,665).

Re. Claim 1, Jarett discloses a software application program which enables the user to enter data, having as result pre-determined processing of the said data, characterized in that it uses a set of data-base tables compiled (see entire document particularly, Abstract, Figures 1-2, 55; C1 L5-32; C2 L3 to C3 L29; C5 L12-L42; C6 L9-L34; C10 L50-L65; C21 L20-L35; C31 L50-L54) and connected by means of said application program, which may be likened to an electronic spreadsheet (template) [Figures 53-54, 69B, 71B].

Re. Claim 2, Jarett discloses characterized in that said system makes it possible to obtain automatically any processing of asset-and-liability and financial data on enterprises or groups of enterprises by entering, as input data, only economic data and their modes of collection and payment (Balance Sheet, a Revenue and Expense Statement, a Statement of Retained Earnings, Cash Flow lists, Expense Schedules, and other required or supporting statements) [C3 L30-L35; C4 L46-L55; Fig 54].

Re. Claim 3, Jarett discloses characterized in that it comprises a series of models of statements of profit and loss, asset and liability statements, and financial statements, and a plurality of economic, asset-and-liability, and financial indices in such a way as to enable processing of economic/asset-and-liability/financial data of both a historical type and a forecast type, in order to obtain a model that is valid for economic-financial planning and, in particular, for budget analyses [Figures 3, 7, 51-59, 71A-72A, 74A; C3 L38-L41; C4 L16-L54; C5 L45-L47].

Re. Claim 4, Jarett discloses characterized in that said electronic spreadsheet is applied simultaneously to a pre-set operating system so as to enable the user to have available various displays of the results [C3 L26-L29; C10 L50 to C11 L27].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jarett as applied to claim 1 above, and further in view of Eliason "Online Business Computer Application", Science Research Associates, Inc., 1983, ISBN 0-574-18620-4 (hereinafter Eliason).

Re. Claim 5, Jarett discloses and for automatic calculation of the cash flow and of the statement of assets and liabilities, starting from the data regarding the operating budgets of one or more enterprises and regarding the investment budgets [C32 L9-L34; C3 L39-L41; C5 L43-L47]. Jarett does not explicitly disclose characterized in that it comprises a planning model designed for drawing-up the budget. However, Eliason discloses characterized in that it comprises a planning model designed for drawing-up the budget [see pages Eliason – pages 425-438; Fig. 14-1 page 427] to estimate business and departmental expenses. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jarett and include planning model designed for drawing-up the budget, as taught by Eliason, to project estimated expense for the business and departments which is essential for business future activities and expansion.

Re. Claims 6-10, since claim 6 is vague and not clear, the examiner cannot ascertain a reasonable opinion to provide reasonable art rejection, therefore claims are rejected under USC 112.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

*US 6058375 to Park, May 2, 2000 "Accounting Processor And Method For Automated Management Control System" discloses an accounting processor and method for an automated management control system which can selectively extract accounting data for financial management from an integrated management control database and store the same therein to thus perform an automatic accounting process on a real-time basis according to accounting principles, by systematically standardizing, formulating and compounding the transaction data to process a series of business activities including production, sales, purchasing and financial activities through the integrated management control database, and then by simply inputting transaction data without having specific accounting knowledge.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

*Harish T Dass*

2/18/05